

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

WILLIAM D. SROUFE, Ed.D.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 3:23cv548
)	
SCRIPPS MEDIA, INC.)	
t/a WTVR and/or CBS6)	
Serve: Corporation Service Company)	
Registered Agent)	
1111 East Main Street, 16th Floor)	
Bank of America Center)	
Richmond, VA 23219)	
)	
Defendant.)	

COMPLAINT

Plaintiff William D. Sroufe, Ed.D., by counsel, states as follows for his Complaint against Scripps Media, Inc. t/a WTVR and/or CBS6 (“WTVR,” “Scripps,” or “CBS6”).

NATURE OF ACTION

1. Scripps’s website says “We believe in the power of journalism to change lives.”¹ We agree. Here, Scripps’s “journalism” not only changed a life – Sroufe’s -- but seriously harmed it. On February 17, 2023, Scripps, through WTVR, aired a news story about Sroufe’s exit as the Superintendent of Colonial Heights Public Schools (“CHPS”). But the story was materially false. It falsely said Sroufe was “ousted” (He was not), it falsely implied Sroufe covered up misconduct complaints involving the former Colonial Heights High School girls’ softball coach, thus allowing him to escape criminal prosecution (Sroufe did no such thing), and it falsely suggested Sroufe was fired for covering up the complaints. (Nope). None of this was true.

¹<https://scripps.com/our-brands/local-media/> (visited on August 17, 2023).

2. Even worse, Scripps, through WTVR, knew that its false narrative about Sroufe was false. At the time WTVR published the story, Melissa Hipolit, the WTVR reporter who authored and aired the story, knew that Sroufe had voluntarily resigned (he was not fired or involuntarily “ousted,” as she said in her story) from his Superintendent position. In fact, she knew that Sroufe and the Colonial Heights School Board had signed a “Separation Agreement” that expressly said Sroufe “resigns” and that publicly praised him. “She also knew that **no evidence whatsoever** connected Sroufe in any way to any alleged cover up – or, as Hipolit put it in her story, “brushed” things “under the rug” -- regarding the alleged misconduct by the former high school softball coach. To the contrary, by the time she reported the February 17, 2023 news story, Hipolit knew that her sole source on this fabricated and fanciful claim, the former assistant varsity softball coach at the Colonial Heights High School, had already told her at least one material falsehood, thus giving Hipolit clear and obvious reasons to doubt her source’s credibility. Even more, by the time WTVR aired its February 17, 2023 story, both Sroufe *and the School Board’s attorney* had categorically denied any cover up and had provided Hipolit with evidence that negated her source’s story. And, finally, Hipolit knew that Sroufe and the School Board had not agreed to part ways *because* he covered up any wrongdoing by the former softball coach because she knew that there was no cover up. Indeed, despite the fact that multiple news outlets covered Sroufe’s departure as the Superintendent in February of 2023, only WTVR’s February 17, 2023 story made false claims that Sroufe covered up the misconduct allegations against the high school softball coach and only WTVR’s February 17, 2023 story quoted a citizen who falsely said that Sroufe was “responsible” for the softball coach scandal and that he needed to be held “accountable.”

3. As a result of this so-called news coverage, Sroufe files this defamation action to hold Scripps liable for the harmful “change” it has inflicted on his life.

PARTIES

4. Sroufe is an individual resident of the City of Colonial Heights, Virginia. He is a lifelong and well-respected educator. He started his education career in 1998 as a Physical Science teacher in Roanoke, Virginia and later taught World Geography, Information Technology, and Civics before serving as a principal. From 2014 to June 2019, Sroufe served as the Superintendent of Patrick County Public Schools (in Patrick County, Virginia) where, in 2017, he was named the Region 6 Superintendent of the Year. In April 2019, CHPS hired Sroufe as its Superintendent, a position he held from July 1, 2019 to June 30, 2023. While serving in that position, Sroufe was again named Superintendent of the Year for his region (Region 1) in April 2022. Sroufe holds a bachelor's degree and a master's degree from Old Dominion University and a Doctorate of Education from Liberty University.

5. Defendant Scripps is a media corporation that owns and operates dozens of local television stations around the country, including WTVR. It is organized under Delaware law, and its principal place of business is 312 Walnut St., Suite 2800, Cincinnati, Ohio 45202.

6. WTVR operates the metro Richmond, Virginia CBS television affiliate, trading as CBS6. It broadcasts from its studio at 3301 West Broad Street, Richmond, Virginia 23220. Using its 1,049 foot tower in Richmond, Virginia, WTVR reaches more viewers than any other television station in Central Virginia, spanning a region that reaches Fredericksburg to the North, westward beyond Charlottesville, east into Tidewater and south into North Carolina. Locally, WTVR's television viewing area encompasses numerous localities, including the City of Richmond, City of Petersburg, City of Hopewell, Caroline County, Chesterfield County, Dinwiddie County, Goochland County, Hanover County, Henrico County, New Kent County, Powhatan County, and Spotsylvania County.

7. At all times relevant herein, Melissa Hipolit, the author and reporter of the false and defamatory news story at issue in this lawsuit, was an employee of WTVR and/or Scripps. In this regard, she was at all times acting in her capacity as an employee of WTVR and/or Scripps and acting in the course and scope of her employment as an employee of WTVR and/or Scripps when undertaking the broadcasting and reporting actions described herein.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction pursuant to the “diversity jurisdiction” provisions of 28 U.S.C. § 1332. In particular, Sroufe is a citizen of the Commonwealth of Virginia; Scripps is a citizen of Ohio, and the controversy at issue exceeds \$75,000.

9. Venue is proper in this district and division pursuant to 28 U.S.C. § 1391 and Local Rule 3(B)(4), as this is the district and division where a substantial part of the events or omissions giving rise to the claims herein occurred.

FACTUAL BACKGROUND

A. March/April 2022: The Jeff Faries Saga Begins.

10. Prior to March 2, 2022, Jeff Faries served as both the Colonial Heights Chief of Police and the head coach of the varsity girl’s softball team for the Colonial Heights High School. Faries had been the Chief of Police for sixteen years, had been with the Colonial Heights Police Department for more than thirty years, and had been the head coach of the girl’s softball team for several years.

11. On March 2, 2022, however, the City of Colonial Heights abruptly placed Faries on administrative leave from his position as Chief of Police.

12. This unexpected event was newsworthy, and many local news outlets covered it.

13. WTVR was one such outlet. On the day Faries was placed on administrative leave, it published a news story to its website – www.wtvr.com -- titled “Colonial Heights police chief on

administrative leave.”² The story was authored by the “WTVR CBS 6 Web Staff” and was broadcast on one or more of WTVR’s television broadcasts that day.

14. WTVR published a follow-up story the next day. In it, WTVR announced that, in addition to being placed on administrative leave as Chief of Police, Faries was under investigation by the Virginia State Police (“VSP”) for allegations of “inappropriate behavior and interactions” in an “off-duty capacity” and that the VSP investigation was ongoing. The story, titled “Colonial Heights Police chief under investigation for inappropriate behavior,” was authored and reported by WTVR reporter Wayne Covil, was published on WTVR’s website,³ and was broadcast on one or more of WTVR’s television broadcasts that day.

15. One month later, on April 1, 2022, Faries retired from the Colonial Heights Police Department.

16. WTVR covered this event too. In doing so, it published a news story about Faries’ retirement on April 7, 2022. The story, titled “Colonial Heights Police Chief retires amid a police investigation into his alleged actions,” was authored and reported by WTVR reporter Wayne Covil, was published on WTVR’s website,⁴ and was broadcast on one or more of WTVR’s television broadcasts on that day.

² <https://www.wtvr.com/news/local-news/colonial-heights-police-chief-jeff-faries-on-administrative-leave> (viewed on August 16, 2023).

³ <https://www.wtvr.com/news/local-news/colonial-heights-police-chief-jeff-faries-under-investigation#:~:text=State%20Police%20confirmed%20an%20investigation%20was%20under way%20less,of%20the%20Colonial%20Heights%20Police%20Department%20on%20Wednesd ay> (viewed on August 16, 2023).

⁴ <https://www.wtvr.com/news/local-news/chief-faries-retires-colonial-heights#:~:text=%E2%80%94One%20month%20after%20Colonial%20Heights%20put%20Police,longtime%20chief%20has%20turned%20in%20his%20retirement%20papers.> (visited on August 17, 2023).

17. The story explained that Faries was retiring amid a VSP investigation into his alleged off-duty behavior but also said that “[d]etails about the alleged inappropriate behavior have not been made public, other than they allegedly happened while he [Faries] was off duty.” *Id.*

18. Separately, on April 6, 2022, the day *before* WTVR aired its news story, the local Petersburg, Virginia newspaper, The Progress-Index, also covered Faries’ retirement. Its story, however, added a wrinkle to the saga. It said: “At the time his [Faries’] leave was reported, Faries had **resigned his position as coach** of the Colonial Heights High School girl’s softball team.”⁵ (emphasis added).

19. In short, by early April of 2022, Faries had both retired as the Colonial Heights Chief of Police, a position he had held for 16 years and resigned from his long-time position as the head coach of the girl’s softball team at Colonial Heights High School. And he did both of these things under the cloud of a VSP investigation.

B. September 2022: The Jeff Faries Narrative Evolves.

20. In the months following these events, things died down with respect to the allegations against Faries and the VSP investigation into those allegations. Indeed, nothing was publicly reported about Faries from May to August, 2022.

21. Behind the scenes, however, the VSP was seriously examining the allegations against Faries, focusing specifically on whether he had committed any sexual offenses against minors while off duty. The VSP conducted its investigation from March through May 2022 and, as part thereof, it interviewed many witnesses. One of the persons it interviewed was Alicia Allen, a former *assistant* varsity coach for the Colonial Heights High School, who had worked with Faries.

⁵ <https://www.progress-index.com/story/news/2022/04/06/virginia-state-police-say-chiefs-retirement-wont-stop-investigation/9492849002/> (visited on August 17, 2023).

22. In late May 2022, the VSP completed its investigation and turned its materials over to the Commonwealth's Attorney for the City of Lynchburg, Bethany Harrison, who had been appointed in May of 2022 to be a special prosecutor for the Faries investigation.

23. Harrison reviewed those materials over the next few months and then, in September 2022, publicly announced that she would ***not*** to bring criminal charges against Faries. In a September 12, 2022 letter to Dr. Laura Poe of the Colonial Heights City Council, Harrison wrote:

After reviewing the evidence in the case, it is my determination that we do not have enough evidence to proceed with a criminal prosecution at this time.

Exhibit A. In that same letter, however, she said: “[b]ecause of the delay in reporting these matters to law enforcement for a criminal investigation, we are beyond the statute of limitations to charge the applicable misdemeanor(s) from these events.” *Id.* Even so, nothing in Harrison's letter placed any blame or fault on any Colonial Heights officials -- school officials or otherwise -- for the “delay” identified in the letter.

24. On September 28, 2022, WTVR aired a television story about Harrison's decision not to bring charges against Faries. In it, WTVR, through its anchor Bill Fitzgerald, referenced Harrison's September 12, 2022 letter and reported that the reason Harrison had decided not to prosecute Faries “following allegations of sexual offenses committed against minors” was “because of a delay in reporting the allegations to law enforcement.”⁶ The story also repeated that Faries had earlier been placed on administrative leave by the City due to the allegations of inappropriate behavior and that he had retired as police chief approximately a month after being placed on such leave. As with the September 12, 2022 letter itself, the WTVR television story did not place any blame or fault on any public officials for the alleged delay in reporting the Faries allegations.

⁶ <https://news.yahoo.com/commonwealth-attorney-not-prosecute-former-222126940.html> (visited on August 17, 2023).

C. October 2022: Melissa Hipolit Takes Over The Reporting On Jeff Faries, And The Story Takes On An Undeniably Sensationalist Tone.

25. WTVR's reporting on Faries, however, soon took on a far more sensationalistic tone. Specifically, after its broadcast its initial story about the special prosecutor's decision not to criminally charge Faries, WTVR turned the Faries story over to Melissa Hipolit.

26. This change was significant. Unlike Wayne Covil, who had previously reported the news stories about Faries, Hipolit bills herself as an "investigative reporter" who is "always on the lookout for a great story."⁷ (emphasis added). She routinely publishes her stories under WTVR's high profile "Problem Solvers Investigation" banner.

27. Indeed, using precisely this high-profile banner, Hipolit broadcast her first story about Faries on October 25, 2022. Unlike the matter-of-fact headlines from WTVR's previous stories about Faries, Hipolit's headline for *this* story included a rhetorical flourish that was clearly designed to grab attention. The story was titled: "Prosecutor says this former police chief committed a crime. So why wasn't he charged?" (emphasis added), was posted on WTVR's website⁸, and, with brooding music introducing the segment, was broadcast on one more television broadcasts on that date as part of WTVR's "Problem Solvers Investigation" series.

28. Though the story was ostensibly triggered by Faries' recent decertification as a law enforcement official by the Virginia Department of Criminal Justice Services, which occurred on October 4, 2022, it focused heavily on the salacious allegations made against Faries while he was the head coach of the Colonial Heights High School girls' softball team. The five-minute story, for example, said Faries was "creepy" and too "touchy feely" and sent "text messages or social

⁷ <https://www.wtvr.com/author/melissa-hipolit> (viewed on August 18, 2023).

⁸ <https://www.wtvr.com/news/problem-solvers/problem-solvers-investigations/jeff-faries-investigation-october-25-2022> (visited on August 18, 2023).

media comments to students that parents found to be inappropriate and made the girls feel uncomfortable.” *Id.* It said some of the text messages “of concern” were messages that commented on the player’s looks and told players he “loved” them. *Id.*

29. The story also emphasized that Faries would not be criminally prosecuted for any of his alleged inappropriate behavior *even though* the special prosecutor believed Faries *had indeed* engaged in criminal conduct. The story said the reason that Faries would not be prosecuted was due to a delay in reporting the conduct to law enforcement, which caused statute of limitations problems. The story recognized, however, that the special prosecutor did not fault any Colonial Heights school officials for the delay. Indeed, the story noted the special prosecutor believed the initial complaints to the School System about Faries (made in May of 2021) *did not rise to the level of mandatory reporting under Virginia law*. Thus, said the prosecutor, CHPS officials had no legal obligation to report those complaints to others. Furthermore, the WTVR story stated that the special prosecutor actually sent a letter to the City Manager confirming her belief on this point. **Exhibit B.**

30. Yet, despite the special prosecutor’s letter, Hipolit closed her story by implying that CHPS and Sroufe still should have done something back in May of 2021. She said: “Now, I asked Superintendent Dr. William Sroufe if the school division considered reporting the allegations to the Department of Education, Social Services, or State Police at the time the complaints came in, and why Faries was not removed from his role as coach at the time.” *Id.* She quoted Sroufe as responding: “[t]his is a personnel matter, and I cannot comment further.” *Id.*

D. November 2022: Hipolit Gets Scooped by WRIC And Loses Her Cool.

31. On November 3, 2022, one of WTVR’s competitors, WRIC, a local ABC affiliate, ran its own story about Faries. The story was titled “‘There’s a reason for that’: Colonial Heights

officials shed light on lack of charges, evidence against former police chief,”⁹ was posted on WRIC’s website at 6:39 p.m., and was broadcast on one or more of WRIC’s television broadcasts for that day.

32. While far less sensationalistic than Hipolit’s October 25th story, the WRIC story contained many details that Hipolit’s story did not. Most notably, the WRIC story contained extensive comments and quotes from Chip Fisher, the City of Colonial Heights’ attorney (also the attorney for CHPS). In these comments, Fisher helped explain what the City and the School System knew -- and *when* they knew it – about the allegations against Faries and how the City and the School System responded to those allegations. Among other things, WRIC quoted or relied on Fisher as saying:

- In May 2021, parents, students and another coach alerted the Colonial Heights High School principal and the School System’s athletic director of concerns about Faries engaging in potentially inappropriate behavior;
- Additional allegations about Faries surfaced around the time Faries resigned as the softball coach in February 2022;
- “In a small community especially, the word got around [in February 2022] that he [Faries] resigned as the softball coach” – “The young ladies on the team were commenting about it. They were telling their parents. Their parents were passing the word. City councilmembers became aware of it, and I think there was some agitation in the community that there’d been these complaints made to the school system of inappropriate conduct by the police chief, and, as I said, that was really the reason why the [City] manager and I began our investigation [in late February 2022].”
- As part of his investigation in late February 2022, he and the City manager uncovered text messages between then-Chief Faries and two girls.
- The texts were “concerning,” and they corroborated allegations that had been made to the school system.
- On March 2, 2022, city officials requested access to Faries’ City-issued iPad;

⁹ <https://www.wric.com/news/taking-action/theres-a-reason-for-that-colonial-heights-officials-shed-light-on-lack-of-charges-evidence-against-former-police-chief/> (visited on August 18, 2023).

- “I know that the [former] chief has publicly stated that the city got his city-issued iPad and city issued cell phone and did not find anything incriminating on those devices. Well, there’s a reason for that. . . He never gave us the password to his phone, so we could never access his cell phone to see what specific communications might’ve been on there because, obviously there could’ve been some communications with young ladies, which would’ve been very relevant to the investigation.”; and
- After several attempts to get the former Chief’s iPad, “The captain and Acting Chief Ruxer picked up the iPad, which was on the porch on the chief’s residence, and determined that the iPad had been wiped and put on factory settings.”

Id.

33. As Hipolit’s story had done, the WRIC story confirmed that the special prosecutor (Harrison) had written a letter to the City stating that no mandatory reporting laws were violated by school officials. The story also referred back to Fisher, who said that “as far as the city is concerned, the case against Faries is closed.” *Id.*

34. Hipolit was not happy when she saw the WRIC story. Specifically, in an e-mail from Hipolit to Fisher on November 3, 2022 at 7:27 p.m. – ***less than an hour after the WRIC story was posted on WRIC’s website*** – Hipolit sarcastically wrote:

Good Evening, ***Hugh***,¹⁰
Imagine my surprise when I see 8 News reporting the following tonight:

City Attorney Hugh “Chip” Fisher told 8News that parents, students and another coach alerted the Colonial Heights High School principal and athletic director to their concerns.

(emphasis added).

35. Hipolit then sought to interrogate Fisher, stating: “As you know, I asked you for ***these very details***, and you declined to answer the question. Do you mind sharing with me ***why*** you opted

¹⁰ It is unknown whether Hipolit intended her reference to Fisher as “Hugh” as a slight or an insult. Fisher typically goes by “Chip,” was referred to as “Chip” in the WRIC November 3, 2022 story, and was even referred to as “Chip” in Hipolit’s October 27, 2022 story.

to share the information with 8 News, but not with me?” (emphasis added).

36. In other words, almost immediately after WRIC aired its news story about Faries with extensive quotes and comments from Fisher, Hipolit felt jilted and said as much to Fisher.

E. Later November 2022: Hipolit Turns Her Focus Exclusively On Whether The School System Acted Properly Regarding The May 2021 Faries Allegations.

37. Undaunted and perhaps even triggered by Fisher’s snub, Hipolit turned her focus solely and exclusively to whether CHPS School officials acted appropriately in May 2021 with respect to the allegations against Faries. She no longer focused on Faries himself.

38. On November 7, 2022, for example, Hipolit sent an e-mail to Corrine Geller, the Public Relations Director for the VSP, asking her such questions as: “How were Colonial Heights school officials made aware of allegations involving Faries in May of 2021?”; “What were they told?” “And who exactly was told about these allegations”; and “**Why was nothing done about them by school officials?**” (emphasis added).

39. Consistent with this theme, Hipolit sent several more e-mails to Geller over the next couple of weeks. One of these e-mails, dated November 22, 2022, said: “does the VSP have any record of an Alicia Allen calling the agency in early February of this year to report allegations against Faries? *She claims she was given the run around, and left messages here and there, but never received a call back.*” (emphasis added).

40. Geller responded by sending Hipolit a redacted copy of a VSP witness interview report for Allen. Though redacted, the report showed that two VSP Special Agents interviewed Allen in detail at her home on March 15, 2022. This report directly contradicted Allen’s statement to Hipolit (referenced in Hipolit’s e-mail to Geller) that she had not heard back from the VSP when she first reached out to it. Obviously, she had. In this regard, then, the report showed that Allen had not been truthful with Hipolit about getting the run around by the VSP in February of 2022.

41. So, by November 2022, when Hipolit first came into possession of the VSP report, **Hipolit knew** that Allen had not been truthful with her as to these important facts.

42. Just as significant, the report, though redacted, made no mention – or even hint – that when Allen sent her resignation e-mail to CHPS, she also sent it an attachment that purported to summarize allegations of misconduct by Faries. Quite the opposite, the report showed that Allen told the VSP that her “resignation letter to the school **was left vague and she focused on the reason for leaving relating to a hostile work environment.**” (emphasis added). By November 2022, Hipolit was aware of this fact as well.

43. In the interim, Hipolit attended the November 15, 2022 CHPS School Board meeting. At that time, Hipolit, together with her cameraman, hounded Sroufe while she tried to ask him several questions about Faries. Sroufe, trying to avoid Hipolit’s cameraman, told Hipolit in no uncertain terms that he did not wish to be on camera at that time and that he would not be making any comments about Faries because it was a “personnel matter.”

44. Later that evening, Sroufe followed up with Hipolit by e-mail and said: “You caught me off guard this evening. I cannot make any comments on personnel. Mr. Faries resigned from his coaching position on February 8, 2022.”

45. Hipolit responded minutes later, saying that she had made several requests to “Chip” Fisher to interview Sroufe, but Fisher never got back to her. She closed by saying: “it’s only fair to get the school system’s side of the story in all of this.”

46. Sroufe immediately responded and said he appreciated Hipolit’s comments about fairness. He also stated that:

. . . the second letter [about not violating any mandatory reporting laws] from the Commonwealth Attorney in Lynchburg says a lot. **The facts presented to me shows our employees acted appropriately both in May 2021 and February 2022 when dealing with the coach.**

(emphasis added). *See also Exhibit B.* Sroufe closed his e-mail by emphasizing to Hipolit that “This is one of those things I simply cannot comment on any further.”

47. At that time, Hipolit did not air any news stories about this exchange or the November 15, 2022 meeting, nor did she air the footage of Sroufe at any time in the month of November.

E. Late December 2022: Hipolit And WTVR Broadcast An Incendiary Story That Falsely Accuses The School System Of Covering Up The Allegations Of Faries’ Misconduct.

48. A little over a month later, on December 20, 2022, Hipolit and WTVR aired an incendiary news story that falsely accused the School System of engaging in a cover up the Faries misconduct allegations. The story, titled “Fmr. Colonial Heights softball coach says school system *brushed concerns about Jeff Faries ‘under the rug,’*” (emphasis added), was posted on WTVR’s website¹¹ and, under the “Problem Solvers Investigation” banner, was broadcast on WTVR on one or more of its television broadcasts on that day.

49. As the video of the story begins, a female anchor introduces the segment by saying: “New information tonight about an alarming story in Colonial Heights.” The word “alarming” is audibly emphasized by the anchor.

50. The anchor continues with some precatory remarks about the allegations against Faries and WTVR’s prior October 2022 story about him and then turns the broadcast over to a male anchor, who says “And now one of his former assistant coaches is speaking out, saying she voiced concerns but claims the school system didn’t do enough.” The words “didn’t do enough” are audibly emphasized by the anchor.

¹¹ <https://www.wtvr.com/news/problem-solvers/problem-solvers-investigations/jeff-faries-investigation-colonial-heights-high-school-december-19-2022> (visited on August 22, 2023).

51. The male anchor continues by saying: “Tonight, a follow up to our Problem Solvers Investigation. Melissa Hipolit speaks exclusively to the former assistant and goes to a school board meeting to talk with the Superintendent.”

52. The anchor then turns the story over to Hipolit who, after making some background remarks about Alicia Allen, a former assistant softball at Colonial Heights High School who had previously worked with Faries, puts Allen on the screen.

53. At this point, Allen describes various alleged acts of inappropriate conduct she claims Faries committed. She also says she repeatedly reported these alleged acts of misconduct to the CHPS athletic director back in April and May of 2021.

54. Hipolit returns as the narrator and says that Chip Fisher, the City Attorney, said that the School System told him that back at that time (May 2021), the CHPS athletic director met with Faris and addressed the issue.

55. Hipolit challenges this statement, however, by saying “But Allen claims her allegations *fell on deaf ears.*”

56. The video then turns back to Allen who says: “Nothing was changing. My concerns were not heard. It was being brushed off as ‘oh you’re just butting heads’”

57. The story continues by explaining that Allen resigned from her coaching position at CHPS in May 2021, ostensibly because the School System failed to address Faries’ misconduct. The video of the story shows Allen’s resignation e-mail.

58. The broadcast then puts Allen back on screen, where she says: “I felt personally *it was brushed under the rug.*” (This, of course, is the source of the headline for the story).

59. On this key point, the story focuses on Allen's claim that she provided the CHPS athletic director with a written attachment to her resignation e-mail which, according to Allen, allegedly "laid out her complaints about Faries."

60. Hipolit, however, says Fisher says the School System has "no record of that letter," which he [Fisher] calls a "huge discrepancy."

61. Hipolit then shifts gears and focuses on Sroufe, saying "We caught up with him [Sroufe] at a recent school board meeting." She then airs the archived video footage from the November 15, 2022 School Board meeting, where Sroufe was not in any way questioned about Allen's allegations, but instead, was pestered by Hipolit with questions about Faries that he declined to answer.

62. The story is false in numerous respects.

63. First, the story falsely says that Allen provided CHPS with an "attachment" to her resignation letter in May 2021 in which she allegedly laid out allegations against Faries. This is not true. She provided no such attachment, as Fisher stated.

64. Hipolit, however, took Allen's statement at face value and framed the entire story as if Allen had actually sent an attachment with detailed allegations. This created a false narrative for the entire story.

65. That Allen's – and, by extension, WTVR's -- allegation about the attachment is false is confirmed by the March 15, 2022 VSP Allen interview report. The document shows that Allen did not submit any kind of summary of allegations about Faries' misconduct to the CHPS athletic director (or anyone else), but instead, intentionally kept her resignation letter "vague." The VSP report shows that rather than being focused on any alleged misconduct committed by Faries, the resignation letter spoke only of an alleged "hostile work environment."

66. Second, the story falsely states that CHPS school officials “brushed” allegations about Faries misconduct “under the rug.” The predicate for this false allegation, of course, is the false statement that Allen somehow provided written details of alleged misconduct committed by Faries back when she resigned.

67. Again, this is not true. There was no such attachment, and there was no cover up. Indeed, CHPS school officials could not possibly have covered up something they never received in the first place.

68. But CHPS officials also did not “brush” anything “under the rug.” For the Faries allegations they knew about, they acted on them and did not hide them.

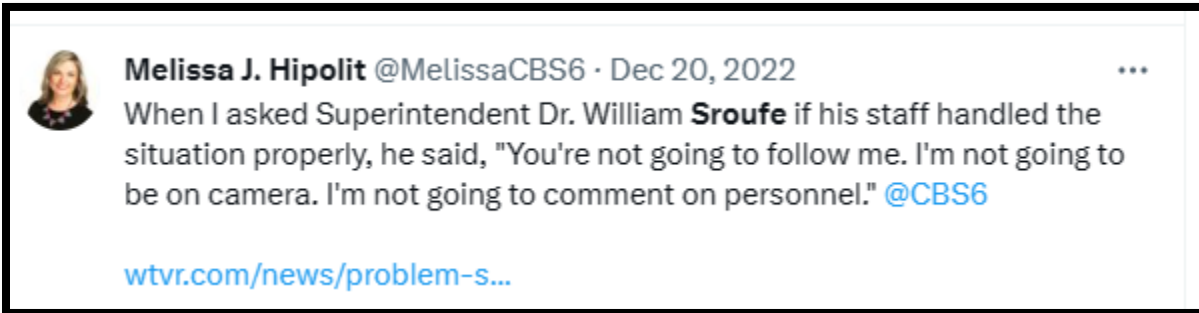
69. Third, the story falsely implies that the School System failed to act *at all* on Allen’s allegations – regardless of what they were and regardless of whether they were provided in some kind of written form – back in May of 2021. The story quotes Allen as stating: “Nothing was changing. My concerns were not heard.”

70. Again, that’s not true. Allen’s complaints – such as they were – *were* acted upon in May 2021. The story, of course, implies that Allen made much more detailed allegations than she actually did and that CHPS failed to act upon *those* nonexistent allegations. But as noted above, that entire narrative is false.

71. Fourth and finally, the story falsely implies that *Sroufe* -- on behalf of the School System -- was involved in the alleged cover up of the Faries allegations, particularly those made by Allen. Indeed, with the misleading juxtaposition of Allen’s on-camera video comments, on the one hand, and the six-week-old video footage of Sroufe from the **November 15, 2022** CHPS School Board meeting, on the other, the story falsely portrays Sroufe as intentionally trying to hide from or duck Hipolit’s “cover up” allegations from Allen and falsely implies that Sroufe did something

wrong regarding Faries.

72. Indeed, Hipolit intentionally promoted this false connection, posting the following contemporaneous “Tweet” that purported to link Allen accusations about Faries from the news story of that date (December 20, 2022) and Sroufe’s prior interactions with her from *a month before* (at the November 15, 2022 School Board meeting).



<https://twitter.com/MelissaCBS6/status/1605326032386805762> (visited on August 24, 2023).

73. Again, none of WTVR’s claims about the School System or Sroufe covering up, or failing to act on, allegations about Faries are true. And specifically, none of WTVR’s claims about the School System or Sroufe covering up, or failing to act on, allegations about Faries allegedly contained in a non-existent attachment from Allen are true.

74. At the time of the publication of this news story, Hipolit either knew that Allen’s statements about the attachment and a cover up were false, or she made and repeated such false statements with a high degree of awareness that they were probably false. Specifically, by the time Hipolit published the December 20, 2022 story, she knew that Allen had told the VSP that she had only submitted a “vague” resignation letter to the School System at the time she resigned. Hipolit also knew that Allen had not been truthful with her when she told her [Hipolit] – in or around November of 2022 – that the VSP had brushed her off in February of 2022 and did not call her back.

75. Either of these facts, by themselves, would have given Hipolit, an experienced reporter, obvious reasons to doubt the veracity of Allen or the information she provided. But even more, when viewed collectively, especially given the information provided by Fisher about a “huge discrepancy,” these facts show that Hipolit could not possibly have believed that what Allen was telling her about an alleged cover up was true. Nevertheless, she went forward anyway and published these false statements.

F. Later December 2022: WTVR’s False Accusations Of A Cover Up Entice Delegate Mike Cherry To Join The Fray, And WTVR Takes Full Advantage.

76. Two days after WTVR’s incendiary story about an alleged cover up of allegations regarding Faries, Delegate Michael Cherry, the local delegate representing Colonial Heights, jumped into the fray. Specifically, on December 24, 2022, Cherry held a press conference and issued a press release where he called upon the VSP to investigate not the conduct of Jeff Faries, but the conduct of *Colonial Heights School Officials*.

77. In a letter to Gary Settle, the VSP Superintendent, Cherry said he was asking for a VSP investigation into the actions of Colonial Heights school officials because “recent media reports have indicated that legitimate concerns about the former softball coach were not properly acted upon.” *Id.* His letter further stated: “Many have questions whether these alleged actions constitute a cover up of a potential crime.” (emphasis added).

78. Cherry’s news conference and his call for a VSP investigation sprang directly from WTVR’s December 20, 2022 story. Indeed, Cherry’s press release e-mail on this matter included an electronic link directly to WTVR’s December 20, 2022 story. It was clear that Delegate Cherry’s reference to “media reports” and “legitimate concerns” in his letter to Superintendent Settle referred directly to WTVR and the information in its recent news story.

79. As a result of Delegate Cherry's public call for a VSP investigation into the actions of Colonial Heights school officials, many reporters reached out to Sroufe for comment. He responded to all of these inquiries with the same basic statement:

Recent allegations that the school system has engaged in a cover up regarding former softball coach Jeff Faries are disappointing and inaccurate. Colonial Heights takes all complaints of inappropriate or unprofessional behavior very seriously. Concerns regarding Mr. Faries were investigated and addressed promptly and appropriately by school staff. In light of a recent media report that a former assistant coach claimed to have emailed school staff a letter detailing complaints about Mr. Faries, a thorough review of the school system's electronic records was conducted and ***there is no record of any such letter being sent or received.***

(emphasis added). This statement provided not only a clear on-the-record denial of any accusations of a cover-up but also a key factual basis upon which that denial was founded.

80. Sroufe sent out this statement by e-mail to numerous reporters on December 23, 2022. He sent this statement to Hipolit on December 27, 2022.

81. Notwithstanding Sroufe's clear denial of any cover-up by the School System ***and*** his statement that the School System had thoroughly reviewed its electronic records and found ***no evidence*** of any document authored by Allen purporting to lay out any details of allegations of wrongdoing by Faries in May of 2021, WTVR continued to push forward with its false narrative in this regard. It even doubled-down on Allen's false allegations that the School System covered up her allegations about Faries.

82. On December 27, 2022, for example, WTVR aired a news story titled "Did Colonial Heights school properly investigate complaints about a coach? ***A delegate wants to know.***"¹²

¹² <https://www.wtvr.com/news/problem-solvers/problem-solvers-investigation/jeff-faries-investigation-colonial-heights-delegate-mike-cherry-december-27-2022> (visited on August 22, 2023).

(emphasis added). Based mainly on an interview of Cherry by Hipolit, the story was published on WTVR's website and was broadcast on one or more of WTVR's television broadcasts on that date.

83. In the television broadcast of the story, once again highlighted under the "Problem Solvers Investigations" banner, a male anchor introduces the segment by saying the Virginia "State Police" are reviewing "a request right now from a local delegate to initiate an investigation into accusations that *crimes were covered up* at Colonial Heights High School." (emphasis added). The anchor then hands the segment off to another male anchor who, on screen, says: "Delegate Mike Cherry says that his concerns came after watching our recent investigative report about inappropriate conduct allegations against the former Colonial Heights softball coach Jeff Faries who also used to be the City's Police Chief." (emphasis added).

84. The second male anchor then hands the segment over to Hipolit, saying "Our Melissa Hipolit has an update to her Problem Solvers Investigation."

85. Next, Delegate Cherry appears on screen and says to Hipolit: "the reason for my involvement was actually based on your story." Cherry continues: "There is a sense in this community, or a perception really, that the system did not work and to a person that I've spoken to they said 'thank you' for at least making sure the system worked and it worked properly."

86. The story then highlights WTVR's prior December 20, 2022 story and even re-airs some broadcast footage from that story, with Hipolit stating that Allen said she had complained "numerous times" in the Spring of 2021 but that "nothing was ever done" The story then *re-airs* the footage of Allen saying "**I felt personally it was brushed under the rug.**"

87. Hipolit returns as the narrator and reiterates that Fisher, the City attorney, told her that the School System has no record of Allen ever sending any kind of attachment or letter laying out alleged details of alleged misconduct by Faries.

88. But then Hipolit goes back to Cherry, who says: “They have one person saying one thing, and one person saying another. **And they can’t both be telling the truth.**” (emphasis added). Cherry makes it clear, however, which side *he believes*, saying “The system is supposed to be such that if there is a complaint made there is an investigation, and *from what we can tell, they didn’t even investigate the claims, they just kind of shut it down and went on their merry way.*” (emphasis added).

89. Cherry offers no factual support for his statement that “they” (the School System) “didn’t even investigate the claims, they just kind of shut it down and went on their merry way.” However, at around this time frame, Cherry had received at least one e-mail from Hipolit and had exchanged roughly eight-four (84) text messages with her about Faries and/or Sroufe. By contrast, during this same time frame, Cherry had exchanged no such text exchanges with Sroufe or Fisher. WTVR also provides no factual support as part of its broadcast for Cherry’s statement.

90. This story too is false in several material respects.

91. First, as with the December 20, 2022 story, this story falsely suggests that Allen sent CHPS a document back in May 2021 with details of allegations against Faries. It does this most directly by re-airing footage from the December 20, 2022 story and in the internet version of the story, by linking to the prior story in the body of the newer story.

92. Second, as with the December 20, 2022 story, this story falsely repeats – verbatim – Allen’s false claim that “**I felt personally it was brushed under the rug,**” which falsely implies that Sroufe and CHPS covered up the allegations against Faries back in 2021.

93. Third, separate from Allen’s “brushed under the rug” comment, the story falsely accuses Sroufe and CHPS of actually covering up crimes. Indeed, the male anchor who introduces the story expressly says that Delegate Cherry’s call for a VSP investigation is based on

“accusations that *crimes were covered up* at Colonial Heights High School.” The story then gives false credence to those false “cover up” accusations by reiterating Allen’s comment and by highlighting Delegate Cherry’s false accusations on screen.

94. Fourth and finally, the story falsely says that Sroufe and CHPS didn’t even conduct an investigation into Faries back in 2021. It does this by highlighting Cherry’s false statement that: “*from what we can tell, they [CHPS and Sroufe] didn’t even investigate the claims, they just kind of shut it down and went on their merry way.*” (emphasis added). Worse, since Cherry’s statement about only “one person is telling the truth” preceded this statement, the story implies that neither Sroufe nor the School System are telling the truth about their actions related to the Faries investigation.

95. At the time of this story, Hipolit knew that Allen’s accusations of a cover up were likely false, or she had a high degree of awareness of the probable falsity of her statements. Hipolit also knew that Delegate Cherry’s false statements about CHPS and Sroufe were *based on Allen’s false accusations of a cover-up* by the School System. In this regard, then, Hipolit *knew* that the factual basis for Delegate Cherry’s statements was false, or she had a high degree of awareness of the probable falsity of her statements. Despite this knowledge, she and WTVR published Cherry’s false allegations against Sroufe and repeated Allen’s false allegations against Sroufe.

96. Just as important, *after* WTVR published its story, Sroufe e-mailed Hipolit and expressly confirmed to her that the School System had “no record of complaints about players” by Allen and, instead, it only had “complaints against how Faries valued her as a coach.” Sroufe also said that “[n]o complaints were made through [his] office.” As such, Hipolit *knew at that time* that continuing to publish false allegations of a cover up was perpetuating a false narrative.

G. The February 17, 2023: WTVR Weaves All Of Its False Narratives Together And Publishes A Story That Falsely Indicates That CHPS Fired Sroufe Because He Covered-Up Allegations Of Misconduct By Faries.

97. Having laid the background for its false narrative of a cover up by CHPS and Sroufe regarding the misconduct allegations against Faries with its prior false stories, WTVR and Hipolit then published its final false story about Sroufe on February 17, 2023.

98. On that date, Sroufe voluntarily agreed to take an immediate leave of absence as the CHPS Superintendent and to resign his position effective June 30, 2023. Sroufe and the CHPS School Board signed a Separation Agreement confirming these terms. It expressly said Sroufe “resigns,” and it said it was in their “mutual interests” to “terminate their employment relationship.”

99. The agreement was approved by the School Board at an emergency meeting held on Friday February 17, 2023. The meeting ended soon after 1 p.m. on that date.

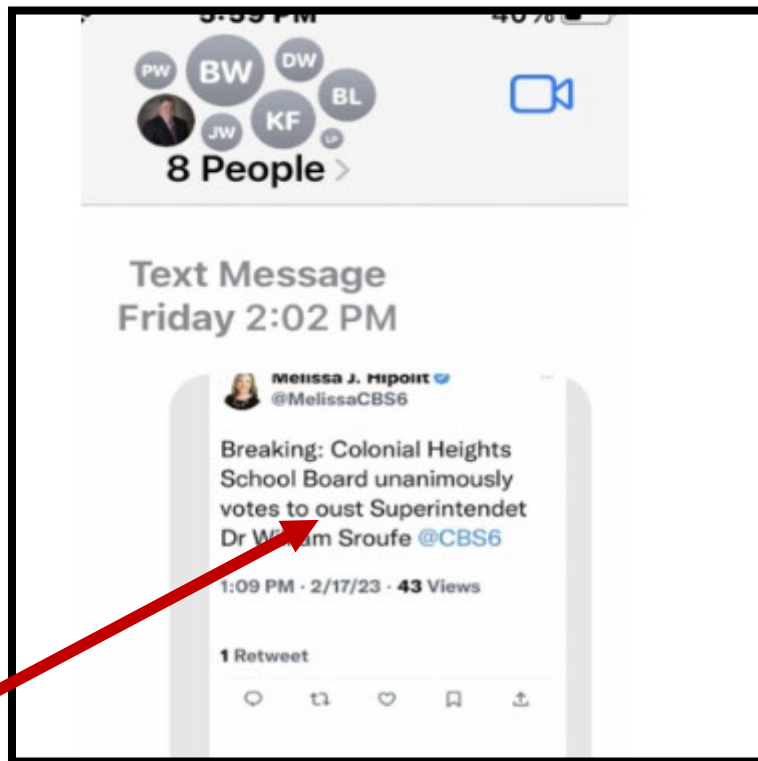
100. Almost instantaneously thereafter, WTVR and Hipolit published a “BREAKING NEWS” story that falsely said the School Board had fired Sroufe. Indeed, its headline falsely stated: “School board votes to oust Colonial Heights superintendent during emergency meeting.” *See Exhibit C*. This specific headline, which was the original headline for the story, is captured in **Exhibit C** (in PDF form), because it is no longer the formal public headline of the article on WTVR’s website. Apparently, the headline was changed not too long after both Sroufe and undersigned counsel, on behalf of Sroufe, reached out to WTVR to complain about the story.

101. Even so, Hipolit intentionally highlighted this particular false statement with a Tweet she published at 1:09 p.m. on February 17, 2023.



<https://twitter.com/MelissaCBS6/status/1626645144383459342> (visited on August 24, 2023).

102. The catchy headline immediately grabbed public attention. Indeed, even the members of the CHPS School Board saw the Tweet and soon circulated it amongst themselves.



103. But WTVR’s use of the word “oust” instantly created a false narrative about Sroufe. Dictionaries, for example, define “oust” to mean “to **expel** or **remove** from a place or position occupied.”¹³; “to **force or drive out**; expel, dispossess, eject, etc.”¹⁴; and “to **force someone to leave** a position of power, **job**, place or competition.”¹⁵ Synonyms of “oust” include “[to] fire,” “kick out” boot (out)” and “expel.”¹⁶ On the other hand, nothing about the word “oust” suggests a voluntary or agreed-upon resignation or parting of ways..

104. As such, WTVR’s use of the word “oust” to describe Sroufe’s separation from CHPS falsely told its viewing audience that Sroufe was fired, forced out, expelled, or otherwise involuntarily removed by the School Board as the CHPS Superintendent. This is not true. Instead, Sroufe reached a mutual – and negotiated – agreement between himself and the School Board that addressed how and when he would cease to be the Superintendent of CHPS, and, in doing so, actually said *in writing* that would *resign* – not be fired.

105. Hipolit and WTVR also knew that Sroufe was not fired by the School Board. Hipolit was present *at* the February 17, 2023 School Board meeting and was personally given a copy of Sroufe’s Separation Agreement – which expressly says that Sroufe “hereby resigns” -- at that time. Even more, only moments after WTVR first published its story about Sroufe’s separation from CHPS, Sroufe personally called WTVR, where he spoke to Sheryl Barnhouse, WTVR’s News Director, and specifically told her that he had **not** been “ousted” by the School Board and that, instead, the parties had signed a mutual separation agreement.

¹³ <https://www.dictionary.com/browse/oust> (visited on August 24, 2023).

¹⁴ <https://www.collinsdictionary.com/us/dictionary/english/oust> (visited on August 24, 2023).

¹⁵ <https://dictionary.cambridge.org/dictionary/english/oust> (visited on August 24, 2023).

¹⁶ <https://www.merriam-webster.com/thesaurus/oust> (visited on August 24, 2023).

106. Not long after Sroufe spoke with Barnhouse, the headline of the news story changed. Now, rather than use the word “oust” in the headline, the story was titled, “Update: Colonial Heights superintendent out after emergency meeting.”¹⁷ Even so, the story still used the word “oust” elsewhere in its text to describe Sroufe’s departure. Specifically, directly under the video on the front page of the web story, it says:

The Colonial Heights School Board voted unanimously during an emergency meeting Friday to part ways with Superintendent Dr. William Sroufe said. While the final vote was public, the discussion that led to it took place in private and the school board did not elaborate on the reason why they decided to oust Sroufe.

(emphasis added). This text has been in place since February 17, 2023, and it remains viewable to the public today, despite Sroufe’s direct statement to Sroufe that he was not “ousted” and despite Hipolit’s knowledge that Sroufe and the School Board entered into a mutual separation agreement and involved his *resignation*, not termination.

107. As well, in the video broadcast of the story, Hipolit falsely implies Sroufe was fired when, during the story, she shows footage of herself talking to the Colonial Heights School Board Chair, and says “when asked why the School Board decided to oust Sroufe, here’s what School Board Chair Steven Neece said.” She then turned the camera to Neece, who referred to the need to have a signed agreement prior to making a public statement.

108. In short, in its initial headline, in the text of the written story (that’s still on the web) and in the video of the story (that’s also still on the web), WTVR falsely told the viewing public that the School Board had fired Sroufe.

109. The story was materially false in many other ways as well.

¹⁷ <https://www.wtvr.com/news/local-news/superintendent-dr-william-sroufe-out-colonial-heights-schools-february-17-2023> (visited on August 24, 2023).

110. Most egregiously, the story directly implied that not only was Sroufe fired (as opposed to agreeing to resign), but that the *reason* he was fired was because he “covered up” the allegations involving former softball coach Faries. The story said:

Sources told WTVR CBS 6 there were several factors that played into the decision to part ways with Sroufe, which came on the heels of a CBS 6 Investigation into the way the school system handled a scandal involving the former Colonial Heights High School softball coach.

(emphasis added). In other words, WTVR directly connected its *own prior news stories* about the allegations against Faries – and the false claim that the School System covered them up back in 2021 – with the School Board’s decision to part ways with Sroufe.

111. WTVR made the connection even more obvious when it put Allen, who had attended the February 17, 2023 School Board meeting, on camera and allowed her to make comments as part of the story. Allen started her comments by saying *to Hipolit*: “Thank you. Thank you for finally *seeing it for what it was.*” In other words, she was *thanking Hipolit* for endorsing her false version of “facts.” Allen also said: “*I was relieved. It felt like for the first time in two years they were finally doing something,*” (emphasis added). In other words, Hipolit broadcast statements that falsely indicated that Sroufe’s departure was the School Board “finally doing something” about the alleged cover up that Allen had previously discussed.

112. Worse, WTVR repeated Allen’s false allegations of a cover-up from its prior stories, as Hipolit stated: “During her time as an assistant coach under Faries, Allen says she repeatedly complained to the athletic director about Faries’ s treatment of her and the girls on the team, but she claims nothing was ever done and her concerns were brushed under the rug.” (emphasis added). And while WTVR said Sroufe contested Allen’s allegations about a cover up, Hipolit gave Allen’s false allegations legitimacy, painting her in a sympathetic light and putting her on air yet again for her to say: “It’s been rough. It’s taken my love for the game and for coaching in general.”

113. The story then closed with its most clear and undeniable connection between the false allegations of a cover up and the departure of Sroufe as Superintendent. Hipolit stated: “Mom Terri Grubb and Alicia Allen said they hoped the board will also consider taking action regarding other personnel.” Hipolit then put Grubb on screen where she said: “Now there is a couple more that need to go that were just as responsible, and I hope they hold them accountable as well.” This statement unmistakably accused Sroufe of being “responsible” for the alleged cover up and that his separation was him being held “accountable” for the alleged cover up.

114. In sum, WTVR’s February 17, 2023 story was the crescendo of its false narrative that Sroufe covered up allegations of misconduct against Faries back in May 2021 and that this cover-up allowed Faries to escape criminal prosecution because it allowed the statute of limitations from his alleged criminal misconduct to run out. The story weaved together WTVR’s prior false reports about a cover-up, its prior false portrayal of Allen as a credible source for her claim of a cover-up, and Sroufe’s resignation (which it falsely portrayed as a firing), and created one integrated false narrative that blamed Sroufe for the alleged cover up – saying he was “responsible” – and then said his exit as Superintendent was him being held “accountable” for the cover-up by him being “ousted.”

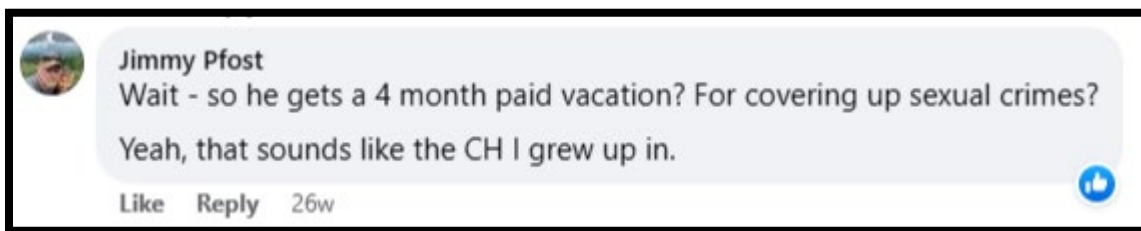
115. By the time this story was published, both WTVR and Hipolit knew that virtually all of the statements about Sroufe in the story were false, or they broadcast these false statements with a high degree of awareness of their probable falsity. Indeed, as already explained herein, as far back as December 20, 2022 – and *certainly by December 27 and December 28* – WTVR and Hipolit knew (i) that Allen was not a credible source; (ii) that no documents supported Allen’s claim that she had made complaints about Faries engaging in any kind of sexualized misconduct with his players back in May of 2021; and (iii) that there was no factual basis to support any allegations that Sroufe and the School System engaged in any kind of cover-up relating to Faries back in 2021. Yet, they published these

numerous false allegations anyway, and then aggravated their falsity by falsely implying that Sroufe was “ousted” because of the alleged cover up.

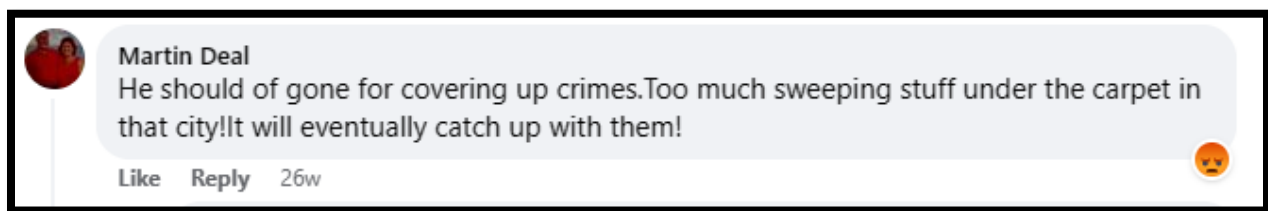
H. WTVR’s Audience Immediately Understands, Accepts, And Believes The False Narrative From Its February 17, 2023 Story.

116. Almost as soon as WTVR broadcast its false February 17, 2023 story about Sroufe, its audience embraced the false narrative in the story. That is, WTVR’s viewing public interpreted its false story as falsely saying that Sroufe was fired for covering up Faries allegations.

117. Evidence of the public’s embrace of WTVR’s false narrative is most notably found in the comments made by Facebook users on WTVR’s Facebook post about the story. Indeed, one user immediately believed that Sroufe was being let go for “covering up sexual crimes,” stating as follows:



118. Another user reached the same conclusion, even affirming the false notion of “sweeping stuff under the carpet”



119. And WTVR’s false narrative about Sroufe being fired led at least one user to state (falsely) that Sroufe had actually been fired from his previous job, stating:



Jane Spencer

No one ever mentions that he was also fired from his previous division in Patrick county after being sued by an employee for defamation and costing the division tons of money in legal fees. Then CHPS hired him. And guess who he brings in with him? The same person from Patrick county who was his character witness at that trial!

120. In short, the reputational damage caused by WTVR's false narrative about Sroufe – and persons believing the false narrative -- was both immediate and public. Indeed, as of today's date, these comments remain viewable on WTVR's Facebook page.

H. Which One Of These Is Not Like The Other? WTVR's February 17, 2023 Story About Sroufe Stands Alone In Its Sensationalistic Tone And Its False Allegations That Sroufe Was Fired For Covering Up Allegations About Faries.

121. That WTVR over-hyped, sensationalized, and otherwise went too far with its false narrative about Sroufe also is shown by comparing *its* false story about Sroufe's departure with the stories of other local news outlets which covered the same topic, **none of which said that Sroufe was ousted by the School Board.**

122. WWBT, the local NBC affiliate in Richmond, Virginia, for example, posted only a simple, fact-based story about Sroufe's departure. It said:

The Colonial Heights School Board says they have **parted ways** with the division's superintendent.

Dr. William Sroufe will take a leave of absence from Saturday, Feb. 18, through June 30, when his official tenure ends.

The division did not say why they chose not to continue working with Sroufe.

The school board will soon start searching for a new superintendent and appoint an interim superintendent to manage the day-to-day operations.¹⁸

(emphasis added).

¹⁸ <https://www.nbc12.com/2023/02/18/colonial-heights-school-board-parts-ways-with-superintendent/> (visited on August 25, 2023).

123. And WRIC, the local ABC affiliate for Richmond, Virginia, posted a news story that while mentioning the Jeff Faries scandal, specifically disavowed it as a reason for Sroufe's exit. It said:

8News has received no indication that the school board's decision to part ways with Sroufe is connected to the scandal involving Faries¹⁹

(emphasis added)

124. Moreover, no news outlet other than WTVR aired comments or statements by either Alicia Allen or Terri Grubb.

I. WTVR's Defamatory Statements Have Substantially Harmed Sroufe.

125. Prior to WTVR's February 17, 2023 defamatory news story about him, Sroufe enjoyed a favorable public reputation as an educational leader and superintendent. Indeed, while at both Patrick County and Colonial Heights, Sroufe was named Superintendent of the Year. Despite his good works and his professional success, WTVR's false reporting about his exit at CHPS and its false accusations that he was "ousted" for covering up misconduct allegations about Faries has destroyed his reputation. Indeed, since the news story aired, Sroufe has been unable to find any kind of full-time or comparable employment – either inside or outside of the education field. Moreover, in at least one instance where his employment application was rejected, Sroufe was specifically told that the decision not to hire him was directly related to WTVR's news stories about him. Sroufe has suffered, and continues to suffer, substantial emotional and reputational harm, for which WTVR bears responsibility.

¹⁹ <https://www.wric.com/news/local-news/the-tri-cities/colonials-heights-parts-ways-with-superintendent-following-emergency-meeting/> (visited on August 25, 2023).

**COUNT I -- DEFAMATION
(AGAINST WTVR)**

126. The allegations of paragraphs 1-125 are realleged as if fully set forth herein.

127. Sroufe has been defamed by WTVR's false statements and false implications from its statements in its February 17, 2023 news story about Sroufe. These false statements and false implications are specifically referenced and previously set forth in (i) paragraphs 100-104 of the Complaint (as to "oust"); (ii) paragraph 110 of the Complaint (falsely linking Sroufe's ouster as Superintendent to a cover up of Jeff Faries allegations); (iii) paragraph 111 of the Complaint (falsely implying that the School Board was "finally doing something" about Alicia Allen's false cover up allegations by ousting Sroufe); (iv) paragraph 112 of the Complaint (publishing Allen's false claim that her complaints about Faries' misconduct were "brushed under the rug," endorsing such false claims, and falsely implying as part thereof that Sroufe was part of a cover-up of Faries allegations); (v) paragraph 113 of the Complaint (falsely making a direct connection between Allen's and Terri Grubb's statements that Sroufe was "responsible" for an alleged cover up of Faries allegations with his exit as Superintendent, so as to falsely imply that CHPS ousted Sroufe because he engaged in a cover up of such allegations); and (vi) paragraphs 114, 63-73, and 90-94 of the Complaint (which separately and collectively, weaved together three interconnected false stories to create an overall false narrative that Allen sent CHPS an attachment providing details of complaints about misconduct committed by Faries, that Sroufe covered up such complaints back in 2021, and that he was fired after the "cover up" was exposed).

128. These false statements were published, and they were made with the requisite intent to defame Sroufe.

129. The statements at issue are false and purport to be statements of fact, not statements of opinion.

130. Moreover, the false statements all involve the efforts of WTVR to demean and disparage Sroufe and to falsely accuse him of criminal conduct (e.g., covering up criminal behavior by Faries), unprofessional occupational activities, and unfitness to perform the duties of his job, and thus these statements constitute defamation per se.

131. As a proximate cause of the conduct of WTVR, Sroufe has suffered substantial compensatory damages, including as severe mental and emotional distress, reputational harm, loss of sleep, loss of income, humiliation, embarrassment, loss of time, and other damages. He is also entitled to presumed damages.

132. In addition, the false statements made about Sroufe by WTVR were made intentionally, willfully, and maliciously against Sroufe and with utter and conscious disregard of his rights.

133. Just as important, WTVR's defamatory statements were made with *New York Times* "actual malice," a necessary element of Sroufe's defamation claim here. As explained herein -- in, *inter alia*, paragraphs 65, 74-75, 95-96, 105, and 115 of the Complaint -- when WTVR published its false statements about Sroufe, it either knew that its statements about him were false or it published them with a high degree of awareness that they were probably false.

134. Finally, no privileges, qualified or absolute, attach to these statements, therefore, and Sroufe is also entitled to punitive damages in this matter. Indeed, WTVR's statements not only were contradicted by information it (through Hipolit) already had in its possession, but they were broadcast in an intentionally sensationalist manner that is markedly different from any of the other similar stories about the Jeff Faries scandal that were published by other local media news outlets covering the same topics.

WHEREFORE, Sroufe respectfully and specifically requests the following relief against WTVR:

- (a) Compensatory and presumed damages in the amount of TEN MILLION DOLLARS (\$10,000,000.00), or some amount as may be determined at trial, to compensate Sroufe for all of the damages associated with the WTVR's defamation of Sroufe;
- (b) Punitive damages in the amount of three hundred fifty thousand dollars (\$350,000) dollars;
- (c) Pre-judgment interest; and
- (d) Associated expenses and costs related to this action and all other such relief as is just and proper.

A TRIAL BY JURY IS DEMANDED.

Respectfully submitted,

WILLARD D. SROUFE, Ed.D.

By /s/Richard F. Hawkins, III
Of Counsel

Richard F. Hawkins, III (VSB #40666)
THE HAWKINS LAW FIRM, PC
2222 Monument Avenue
Richmond, Virginia 23220
(804) 308-3040 (telephone)
(804) 308-3132 (facsimile)

Counsel for Plaintiff